

LARM Board of Directors Meeting Minutes

324 N Main, Valentine NE

December 21, 2018 11:00am CT

The agenda and supporting materials were emailed to the LARM Board of Directors, LARM members and LARM staff on December 16, 2018. A link to the agenda and materials were posted on Facebook and the larmpool.org website. A revised agenda was sent and posted on December 20, 2018.

Board Vice-Chair Lane Danielzuk called the meeting of the League Association of Risk Management (LARM) Board of Directors meeting to order at the Valentine Public Library in Valentine NE at 11:00 am December 21, 2018.

For the roll call, the following members were present: Beth Bonderson, Hoskins; Lane Danielzuk, Gering; David Hunter, Auburn BPW and Andrew Ward, Valentine. Absent: Kimberly Neiman, Pilger; Shannon Stuchlik, NENEDD.

Staff members present were: Michael Nolan and Diane Becker.

Guests present: ex officio Lynn Rex, League of Nebraska Municipalities (LONM).

Staff present by phone: Tracy Juranek, Elizabeth Becker, Dave Bos, Fred Wiebelhaus, Paige Buffington and Randy Peters

Guests present by phone: not identified

Danielzuk referred to the Open Meetings Act and drew attention to a memo stating this that was posted in the meeting room at the Valentine library. Danielzuk asked everyone to say the Pledge of Allegiance.

Danielzuk read the Nebraska Revised Statutes - § 84-1412 (2) which states, "It shall not be a violation of subsection (1) of this section for any public body to make and enforce reasonable rules and regulations regarding the conduct of persons attending, speaking at, videotaping, televising, photographing, broadcasting, or recording its meetings. A body may not be required to allow citizens to speak at each meeting, but it may not forbid public participation at all meetings."

Danielzuk stated there would be no public comment on items B-1, D-1, and D-2. Public comment could be made on B-2 and D-3. Public comment would be limited to 15 minutes at the start of the meeting. He asked if there was any public comment to be made.

Rex said she had sent an email about an addition she had to the minutes.

Danielzuk said that the board would be retaking a vote previously taken at the December 13, 2018 meeting as the board wanted to make sure they had complied with the Open Meetings Act in case there had been an inadvertent violation of the Open Meetings Act.

Nolan stated that since there had been a technology lapse during the 11-29-2018 board meeting by conference call as staff had not been able to access the meeting via phone, and he had sent a calendar notification to board members at the beginning of the meeting that it had been cancelled. He and other staff were then able to log on to the conference call and the meeting continued. In order to satisfy any open meeting laws, he asked that the board reapprove items that were approved at the 12-13-2018 meeting. He recommended that the portion of the agenda item that recommended Neiman to the Executive Board be tabled.

Motion to approve B1- the November 29, 2018 LARM Board meeting minutes made by Ward and seconded by Hunter. Roll Call: Ayes: Danielzuk, Hunter, and Ward. Nays: none. Absent: Neiman, Stuchlik. Abstain: Bonderson (She had not participated in the November 29, 2018 meeting) Motion carried.

Motion to approve B2- December 13, 2018 minutes LARM Board Meeting made by Bonderson and seconded by Danielzuk Roll Call: Ayes: Bonderson, Danielzuk, Hunter, and Ward. Nays: none. Absent: Neiman, Stuchlik. Motion carried.

C - No special presentations.

Consideration to reapprove D1 - The Board of Directors pursuant to Pokorny v. City of Schuyler, 202 Neb. 334, N.W.2d 281 (1979), place item D-1 on its meeting agenda and will re-take its vote, to cure any alleged violations of the Open Meetings Act claimed to have occurred at the December 13, 2018 meeting of the Board of Directors. Item D-1 is as follows: "Consideration of LARM Board approval of settlement agreement in Norfolk employee workers' compensation claim LARN05064 in the amount of \$506,510.00; and an additional \$118,740.73 in indemnity to accommodate the indemnity settlement."

Motion to reapprove D1 by Ward and seconded by Bonderson. Roll Call: Ayes: Bonderson, Danielzuk, Hunter and Ward. Nays: none. Absent: Neiman, Stuchlik. Motion carried.

Board consideration of D2 - The Board of Directors pursuant to Pokorny v. City of Schuyler, 202 Neb. 334, N.W.2d 281 (1979), place item D-2 on its meeting agenda and will re-take its vote, to cure any alleged violations of the Open Meetings Act claimed to have occurred at the December 13, 2018 meeting of the Board of Directors: Item D-2 is as follows: "Consideration by the LARM Board to approve Kim Neiman as a member of the LARM Executive Committee."

Moved by Hunter to table D2. Seconded by Bonderson. Roll Call: Ayes: Bonderson, Danielzuk, Hunter and Ward. Nays: none. Absent: Neiman, Stuchlik. Motion carried.

Consideration of the Board to approve D-3 - a second, three-year term for Beth Bonderson as the Board representative of Hoskins Rural Fire District.

Rex stated that this was not a lawful board and that Bonderson was not eligible to be a board member. Nolan answered that Rex was not in a position to be offering legal counsel and that Bonderson was eligible to be a board member.

Moved by Ward to approve D3. Seconded by Hunter. Roll Call: Ayes: Bonderson, Danielzuk, Hunter and Ward. Nays: none. Absent: Neiman, Stuchlik. Motion carried.

Nolan drew the attention of the Board to E1 - December 17, 2018 email from William Heberton of NLC Mutual to Nolan and Rex, including letter from William Heberton to Doug Hanson and Gerald Solko of May 14, 2018; and letter from Nolan to Bill Heberton of December 10, 2018. Correspondence concerns LARM membership in NLC Mutual Insurance Company and authority that Rex purports to exercise over LARM.

Rex stated that the board that the League had organized had discussed the NLC bylaw change concerning admitted assets.

Nolan advised Rex that she was out of order concerning the NLC letters and Nolan raised a point of order that Rex repeatedly discussed another board that professed to be the LARM board which disrupted the LARM Board meetings and was an issue that would be ultimately settled in district court.

Moved by Ward and seconded by Danielzuk to approve the E-1 administrative report. Roll Call: Ayes: Bonderson, Danielzuk, Hunter and Ward. Nays: none. Absent: Neiman, Stuchlik. Motion carried.

Moved by Hunter and seconded by Ward to accept report concerning staff's intent to include E-2 emails from L. Lynn Rex dated December 13, 2018 and December 19, 2018 concerning corrections to November 29, 2018 minutes to board meeting materials. Roll Call: Ayes: Bonderson, Danielzuk, Hunter and Ward. Nays: none. Absent: Neiman, Stuchlik. Motion carried.

Moved to adjourn by Ward and seconded by Hunter. Roll Call: Ayes: Bonderson, Danielzuk, Hunter and Ward. Nays: none. Absent: Neiman, Stuchlik. Motion carried. Meeting adjourned at 11:17 a.m.